

STATE OF WISCONSIN
VETERINARY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING	:	NOTICE OF TIME PERIOD
PROCEEDINGS BEFORE THE	:	FOR COMMENTS FOR THE
VETERINARY EXAMINING BOARD	:	ECONOMIC IMPACT ANALYSIS
	:	

NOTICE IS HEREBY GIVEN of the time period for public comment on the economic impact of this proposed rule of the Veterinary Examining Board relating to licensure, temporary permits and examinations, including how this proposed rule may affect businesses, local government units and individuals. The comments will be considered when the Department of Safety and Professional Services prepares the Economic Impact Analysis pursuant to § 227.137. Written comments may be submitted to:

Shawn Leatherwood
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Department of Safety and Professional Services
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Madison, WI 53708-8935
Shancethea.L Leatherwood@wisconsin.gov

The deadline for submitting economic impact comments is March 4, 2013.

PROPOSED ORDER

An order of the Veterinary Examining Board to repeal VE 2.04 and VE 3.05(1) (a); to renumber VE 5.03(1) (e); to renumber and amend VE 3.05(1) (b); to amend VE 3.01(2), VE 3.05, VE 3.05(5), VE 4.01(2) (a), and VE 4.01(3); and to create VE 5.03(1) (b) relating to licensure, temporary permits and examinations.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

s. 453.03 (1), Stats.

Statutory authority:

ss. 15.08 (5) (b), 227.11 (2) (a), and 453.03 (1), Stats.

Explanation of agency authority:

Examining boards are generally authorized by ss. 15.08 (5) (b), and 227.11 (2) (a), Stats., to promulgate rules for its own guidance and for guidance within the profession and to promulgate rules interpreting any statute enforced or administered by it. Section 453.03 (1), Stats. specifically authorizes the Veterinary Examining Board to draft rules, “relating to licensure qualification, denial of a license, certificate or temporary permit, unprofessional conduct and disciplinary proceedings.” Therefore the Veterinary Examining Board is authorized both generally and specifically to draft these rules

Related statute or rule:

Wisconsin Admin. Code s. 2, 3, 4, 5, and 6

Plain language analysis:

This proposed rule seeks to repeal the examination review process as stated in VE 2.04. That provision has been repealed due to the examination on state laws and rules is now administered electronically. Instead of having one review, as required by the current VE 2.04, the applicant can retake the exam at any time. The proposed rule will also remove a reference to November 1, 2000, a grandfathering provision which is no longer required.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:**Illinois:**

Illinois repealed its regulations regarding temporary permits. For applicants seeking licensure by examination, the exam must be provided by the National Board of Veterinary Medical Examiners. (NBVME) ILL Admin. Code tit.68 Title 68 §1500.20 (2012)

Iowa:

A temporary educational permit is issued to in state applicants that are currently in an internship or residency training at Iowa State University. Iowa Admin. Code r. 811-9.1 (2012). Iowa also issues a temporary in-state practice permit to, “a person who has (1) graduated from an AVMA-accredited or AVMA-listed school of veterinary medicine or has received an ECFVG or PAVE certificate. [and] (2) Is licensed in good standing in another jurisdiction.” Iowa Admin. Code r.811-9.1 (2) (2012)

Michigan:

The Michigan Board of Veterinary Medicine issues a license by examination to persons who have, “[e]ither graduated from a board-approved veterinary college or obtained a certificate from the educational commission for foreign veterinary graduates of the American veterinary medical association. Applicants must also achieve a passing score on the North American Veterinary Licensing Examination (NAVLE) administered by the NBVME. Mich. Admn. Code r.338.4902 (2012) Michigan laws did not have any provisions regarding temporary permits.

Minnesota:

Minnesota licensure by examination requires passing the state’s Veterinary Jurisprudence Exam. The applicant must also complete the national examination and submit the application to the board for approval. Minn. R. 9100.0400 (2012) Minnesota laws and rules are silent as to temporary permits.

Summary of factual data and analytical methodologies:

The Veterinary Examining Board ensures that the accuracy, integrity, objectivity and consistency of data were used in preparing the proposed rule and related analysis.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**Fiscal Estimate and Economic Impact Analysis:**

The department is currently soliciting information and advice from businesses, local government units and individuals in order to prepare the Economic Impact Analysis.

Effect on small business:**Agency contact person:**

Shawn Leatherwood, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4438; email at Shancethea.L Leatherwood@wisconsin.gov.

TEXT OF RULE

SECTION 1. VE 2.04 is repealed.

SECTION 2. VE 3.01(2) is amended to read:

3.01 (2) “Temporary permit” means a document issued to a person who has qualified to take the North American Veterinary Licensing Examination, is enrolled to take the next examination and who shall be employed to practice veterinary medicine under the supervision of a preceptor.

SECTION 3. VE 3.05(1)(a) is repealed.

SECTION 4. VE 3.05(1)(b) is renumbered to VE 3.05(1) and amended to read:

VE 3.05(1) (b) ~~On or after November 1, 2000, an~~ An applicant may be granted a temporary permit before the board receives notice of successful completion of the ~~north American veterinary licensing examination~~ North American Veterinary Licensing Examination, if the applicant provides evidence that the applicant is either scheduled to take the ~~north American veterinary licensing examination~~ North American Veterinary Licensing Examination for the first time, or is awaiting results of the ~~north American veterinary licensing examination~~ North American Veterinary Licensing Examination.

SECTION 5. VE 3.05(5) is amended to read:

3.05(5) (b) Be available for direct communication with the temporary permit holder when the temporary permit holder is providing veterinary services. Direct communication shall be either verbal in person, by telephone, video conference or ~~by 2-way radio communication~~ electronic communication device.

SECTION 6. VE 4.01(2)(a) is amended to read:

4.01(2)(a) Has satisfied qualification for licensure in VE 3.02 within the last 5 years or has actively practiced for 4000 hours during the 5 years preceding application.

SECTION 7. VE 4.01(3) is amended to read:

4.01(3) A person holding a current unrestricted license to practice veterinary medicine in a country other than the United States or Canada, who is not a graduate of an approved veterinary college, in addition to the requirements of sub. (2) shall submit evidence that the applicant has successfully completed either the certification program of the educational commission for foreign veterinary graduates of the AVMA or the program for the assessment of veterinary education equivalence offered by the American Association of Veterinary State Boards.

SECTION 8. VE 5.03(1) (b) is created to read:

VE 5.03(1) (b) Evidence that the applicant has received a degree from a school of veterinary medicine or an equivalent degree.

SECTION 9. VE 5.03(1) (e) is renumbered to VE 5.03(1)(d)

SECTION 10. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated _____

Agency _____

Board Chairperson or Secretary
(Board or Department)